
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) AUTUMN PEREZ

Plaintiff,

v.

(1) AHMED MOHAMED and
(2) U.S. XPRESS LEASING, INC.

Defendants.

Case No. CIV-21-80-SLP

NOTICE OF REMOVAL

The Defendants, Mohamed Ahmed and U.S. Xpress Leasing, Inc., by counsel, hereby file their Notice of Removal. In support, Defendants show the following grounds for removal:

1. Pursuant to 28 U.S.C. §§ 1332(a), 1441(a) and 1446 and LCvR 81.2, Defendants remove this action from the District Court of Oklahoma County, Oklahoma, styled *Autumn Perez v. Ahmed Mohamed and U.S. Xpress Leasing, Inc.*, Case No. CJ-2021-74.

Diversity of the Parties

2. Plaintiff Autumn Perez is a resident and citizen of and domiciled in the State of Oklahoma. (Ex. 1, Official Oklahoma Traffic Collision Report).

3. Defendant Mohamed Ahmed (incorrectly referenced in the style as Ahmed Mohamed) is a resident and citizen of and domiciled in the State of Nebraska. (Ex. 1).

4. Defendant U.S. Xpress Leasing, Inc. is a Tennessee corporation with its principal place of business in Chattanooga, Tennessee.

Venue

5. Venue is proper in this Court for purposes of removal. Plaintiff brought this action in the District Court of Oklahoma County, Oklahoma - located within the federal judicial district for the Western District of Oklahoma. 28 U.S.C. § 116(c). (Ex. 2, OSCN Court Docket Sheet). Therefore, venue is proper because this Court is the federal “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

Amount in Controversy

6. Plaintiff seeks judgment against the Defendants for damages in excess of the amount required for diversity jurisdiction. (Ex. 3, Petition, ¶ 3). Therefore, the amount in controversy is greater than \$75,000.00. 28 U.S.C. § 1446(c)(2).

Timeliness of Removal

7. Defendant U.S. Xpress Leasing, Inc. was served on January 11, 2021. (Ex. 4, Return of Service). Defendant Mohamed Ahmed was served on January 14, 2021. (Ex. 5, Return of Service).

8. Therefore, Defendants timely file this Notice of Removal within 30 days after service of summons upon them pursuant to 28 U.S.C. § 1446(b).

Miscellaneous

9. Pursuant to 28 U.S.C. § 1446(a), copies “of all process, pleadings and orders served upon” the Defendants in the aforementioned state action are identified and attached as follows:

- a. Original Petition filed January 7, 2021 (Ex. 3);
 - b. Return of Service for U.S. Xpress Leasing, Inc. (Ex. 4);
 - c. Return of Service for Mohamed Ahmed (Ex. 5);
 - d. Entry of Appearance and Reservation of Time for U.S. Xpress Leasing, Inc. (Ex. 6).
 - e. Entry of Appearance and Reservation of Time for Mohamed Ahmed (Ex. 7).
10. Pursuant to LCvR81.2(a), a copy of the state court docket sheet is attached hereto (Ex. 2).
11. Pursuant to LCvR81.1, jury trial is hereby demanded.

Conclusion

12. Defendants will promptly give written notice of the filing of this Notice of Removal to Plaintiff's counsel and file a copy of the Notice of Removal with the Court Clerk for Oklahoma County, Oklahoma, as required.

13. In the event this Court identifies a defect in this Notice of Removal, Defendants respectfully requests the Court grant them leave to amend this Notice to cure the defect. *See Hendrix v. New Amsterdam Cas. Co.*, 390 F.2d 299, 301-302 (10th Cir. 1968).

Respectfully submitted,

s/ Charlie Schreck

Peter L. Wheeler
Oklahoma Bar No. 12929
Charles A. Schreck
Oklahoma Bar No. 32863
Attorneys for Defendants,
Ahmed Mohamed and
U.S. Xpress Leasing, Inc.
PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN, LLP
P.O. Box 26350
Oklahoma City, Oklahoma 73126
Telephone: 405-235-1611
Facsimile : 405-235-2904
pwheeler@piercecouch.com
cschreck@piercecouch.com

CERTIFICATE OF SERVICE

This is to certify that on February 3, 2021, I electronically transmitted the above document to the Clerk of the Court using the ECF System for filing, and also mailed a copy via electronic mail to counsel shown below. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Nicholas A. Elliott
William A. Gosney
Robert N. Ylla, Jr.
WEST YLLA GOSNEY
8 S.W. 89th St., Suite 200
Oklahoma City, OK 73139

Attorneys for Plaintiff

s/Charlie Schreck

Charles A. Schreck